

ORIGINAL

FILED

January 7 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Supreme Court No. DA 09-0048

STATE OF MONTANA,

Plaintiff and Appellee,

v.

NICOLE CANDICE GUILL,

Defendant and Appellant.

FILED

JAN 07 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

AFFIDAVIT OF COLIN M. STEPHENS

STATE OF MONTANA)
 :
County of Missoula)

I, Colin M. Stephens, after being first sworn, hereby state as follows:

- 1) I have been appointed by the Office of the State Appellate Defender (OSAD) to represent the Appellant in this Matter, Nicole Candice Guill.
- 2) Although this is my first request for a continuance in this matter, there have been previous requests from Mrs. Guill's prior counsel.
- 3) I am requesting a continuance of sixty (60) days to complete the Appellant's Opening Brief. The reason for the length of the request is because of the complexity of Mrs. Guill's case. Mrs. Guill's file, as presented to me by the

OSAD consists of five (5) bankers' boxes of files and numerous volumes of transcripts. The case was very high profile and Mrs. Guill's husband also went to trial. For a brief time, both the cases were joined. As a result, I am at present unsure if I have the entire record pertaining to Mrs. Guill's case. Further, the sheer size of the file, will make it impossible for me to adequately review the record and prepare the Appellant's Opening Brief by the current deadline of January 12, 2010.

- 4) Therefore I am requesting a continuance of 60 days in order to prepare and file the Appellant's Opening Brief.

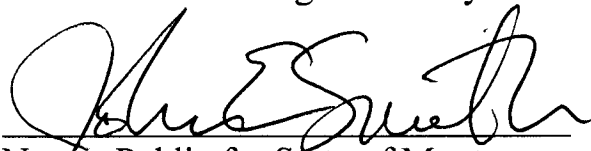
Dated his 6th day of January, 2010.



Colin M. Stephens
SMITH & STEPHENS, P.C.
Attorney for Mrs. Guill

SUBSCRIBED AND SWORN TO before me the undersigned Notary Public this
6th day of January, 2010.

(SEAL)



Notary Public for State of Montana
Residing at MISSOULA

JOHN E. SMITH
My Commission Expires: 5-15-10